



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,180	01/20/2004	Jeffrey A. Hubbell	NOVCEL3CPDDVC	2061
36647	7590	02/14/2006	EXAMINER	
NOVOCELL, INC. 31 TECHNOLOGY DRIVE SUITE 100 IRVINE, CA 92618			BERMAN, SUSAN W	
			ART UNIT	PAPER NUMBER
			1711	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

20060203

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

THIS LETTER IS IN RESPONSE TO THE AMENDMENT AFTER NON-FINAL REJECTION RECEIVED 11/15/2005.

Susan W Berman
Primary Examiner
Art Unit: 1711

Response to Amendment

The amendment filed on 11/15/2005 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). With respect to claims 148 and 152, the remaining claims are not readable on the elected invention because the newly submitted claims recite a method comprising creating a microcapsule within which is encapsulated "at least one cell" while the originally presented claims recited an "islet cell" encapsulated in a microcapsule. With respect to claim 148, the method set forth is patentably distinct from the method set forth in the originally presented claims. Originally presented claims 1 and 129-138 set forth a method comprising mixing the microcapsule with an aqueous solution comprising a macromer and a photoinitiator, forming geometric shapes and exposing the geometric shapes to light radiation.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W. Berman whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB
2/3/06



Susan W Berman
Primary Examiner
Art Unit 1711